

Chapter 3

Preparing the Record

After filing the *Notice of Appeal*, the appellant next needs to specify what items are to be in the **record** (the official account of what went on at the hearing or the trial that is now being appealed). This is called “designating the record” and must be done in every case. The record includes the reporter’s transcript and the clerk’s transcript. The **reporter’s transcript** is a word-for-word record of everything that went on during the hearings or trial; it is taken down by a certified court reporter, who then types it out (transcribes it) for the appeal. The **clerk’s transcript** can include anything that is in the superior court file—the papers that were filed, the orders that were made, the things that were done. A reporter’s transcript is optional. A clerk’s transcript or substitute is required. (The substitute can be a CRC rule 5.1 appendix or a CRC rule 5.2 stipulation to use the superior court file.)

If the superior court is going to prepare the record, the appellant needs to tell the court what items are to be included in the record within 10 days of the filing of the *Notice of Appeal*. The appellant does this by completing a *Notice Designating Record on Appeal* form (pages 3-19 through 3-23). This form shows the court whether the appellant is designating a clerk’s transcript, a CRC rule 5.1 appendix, or a rule 5.2 stipulation *and* whether a reporter’s transcript is needed. For a court-prepared clerk’s transcript and/or a reporter’s transcript, the appellant must identify the specific items to be included. What is to be included will depend on the issues the appellant is planning to talk about on appeal. These issues, in turn, will depend on which rulings the appellant believes were so wrong that the judgment or order should be overturned. The appellant needs to think about the trial, what rulings may have been wrong, and what part of the record will best tell the Court of Appeal why these rulings were wrong. These are the items the appellant should “designate for the record.”

Step 5. Getting the reporter’s transcript

What is a reporter’s transcript? The reporter’s transcript is a word-for-word typewritten record of everything that was said in court during the trial or hearing.

When is it necessary? The appellant should request a reporter’s transcript if what was said at the trial or hearing relates to the issues the appellant wants to talk about on appeal. If what was said at the trial or hearing has nothing to do with the issues for the appeal and the appellant does not want it typed up, the appellant does not need to request a reporter’s transcript.

How soon do you have to ask for it? Within 10 days of the filing of the *Notice of Appeal*, the **appeals section** of the superior court must be told whether the appellant does or does not want a reporter's transcript.

What if the appellant is *not* requesting a reporter's transcript? The appellant should notify the **appeals section** of the superior court in writing that no reporter's transcript is needed or check the proper box on page 1 of the *Notice Designating Record on Appeal* (page 3-21). This document must be served on the respondent. If the appellant does not ask for a reporter's transcript, the respondent may not ask for one, either. The Court of Appeal, however, may—on its own motion or on the motion of the respondent—order the preparation of the reporter's transcript in the interests of justice. (CRC rule 4(a).)

What if the appellant is requesting a reporter's transcript? Make a list of the days, times, departments, and names of the court reporters for each day that is to be typed up (transcribed). Information on the reporters, days, times, and departments can be found in the minutes located in the Superior court file. This list must be filed with the clerk of the **appeals section** of the superior court. Page 3 of the form *Notice Designating Record on Appeal* (page 3-23) may be used for this purpose. If only a portion of a witness's testimony is needed, the opposing parties (respondents) must agree, or stipulate to that, and the stipulation (agreement)¹ must be filed with the superior court **appeals section**. In addition, you must set out the issues that you intend to raise on appeal. (CRC rule 4(a), (e).)

The *Notice Designating Record on Appeal* must be served on the respondent(s) and all known court reporters. The original must be filed with the superior court **appeals section** within 10 days of the filing of the *Notice of Appeal*. It must have with it a *Proof of Service* on respondent(s) and reporter(s) and a deposit to pay for the reporter's transcripts. (CRC rule 4(a).)

If the appellant does not provide everything needed in the *Notice Designating Record on Appeal*, the superior court sends a notice to the appellant asking him or her to provide what is needed or correct the problem.

¹ A stipulation is a written agreement between the parties about something they are going to do. In this context, it is an agreement that only parts of the testimony will be considered in the appeal. It is signed by all counsel and self-represented parties. If you want or need a stipulation, call or write counsel or a self-represented party and ask whether he or she is willing to agree to what you propose. If he or she is agreeable, prepare a written statement that "The parties agree (stipulate) to. . . ." setting out what has been agreed to. Add a separate signature line for each counsel or self-represented party to sign, with the person's name typed under the signature line and a place for the date on which the document was signed.

If, after being served with the appellant's *Notice Designating Record on Appeal*, the respondent wishes to designate additional parts of the transcript, a respondent's designation or *Notice Designating Record on Appeal* must be served and filed with the superior court **appeals section** within 10 days of the service of the appellant's designation. (CRC rule 4(a).)

How much does the **reporter's transcript cost**? The cost of the reporter's transcript depends on how many days or hours the reporter is asked to transcribe. A deposit of the transcript's approximate cost should be made at the same time the *Notice Designating Record on Appeal* is filed. (CRC rule 4(b).) The appellant can ask the reporter to give him or her a written estimate in advance. The rate is \$650 per day for each day in which there were more than three hours of proceedings, plus \$325 per day for each day in which there were less than three hours of proceedings. If the reporter's estimate does not end up covering all of the days, the appellant needs to deposit \$650 or \$325 for any day not covered. If the court reporter has given the appellant a written waiver of the deposit for fees, the appellant can submit the waiver instead of a money deposit. If the appellant has already had some or all of the proceedings transcribed, a certified copy of the transcript can be substituted for the deposit. The transcript(s) must comply with CRC rule 9. The appellant should be sure to keep a copy of this transcript for writing the brief. The clerk should not file the *Notice Designating Record on Appeal* unless the money deposit, the waiver of deposit, or a certified copy of the transcript is included. If the deposit runs short, the reporter contacts the appellant about how much more is needed. (CRC rule 4(b).)

Please note that a *waiver of deposit* is merely that. It waives only the need for the deposit, not the cost of the reporter's transcript. It may occur when the appellant has paid the reporter for part or all of the transcript in advance and there is no need for the deposit.

What if the appellant has no money? The appellant may apply to the superior court for a waiver of the reporter's fees. (See pages 3-11 through 3-18.) You will need to fill out the *Application for Waiver of Court Fees and Costs* (pages 3-11 through 3-15) and a portion of the *Order on Application for Waiver of Court Fees and Costs* (pages 3-16 through 3-18). Follow the instructions provided for each of these samples. Waivers of reporter's transcript fees are rarely granted. **The Court of Appeal has the power only to waive its own filing fee of \$655.**

Financial assistance is provided through the Transcript Reimbursement Fund established by section 8030.2 and following sections of the Business and Professions Code. However, it is not discussed here since it is available only for indigent persons *with counsel*. (CRC rule 4(c).)

How long does it take to get the transcript? Generally, it takes 30 to 60 days after the reporter is notified to get the transcript. The Court of Appeal may grant

extensions of time for the reporter if he or she is unable to complete the transcript on time. (CRC rule 4(f).)

Is there a cheaper way to go? Not really. However, use of an “agreed” or “settled” statement is authorized under the CRC. The requirements are set out in CRC rules 4(g), 6, and 7(a), and are rarely used.

Step 6. The clerk’s transcript

What is the clerk’s transcript? The clerk’s transcript is a “book” that includes copies of papers filed in the superior court case file that have to do with the issues being raised on appeal. If you ask the superior court to prepare these papers, the result is a clerk’s transcript. If you prepare them yourself, the result is called an **appellant’s appendix**. If the parties agree and the court permits, you can use the superior court file as a substitute for a clerk’s transcript. Each of these options is discussed below.

What is in the clerk’s transcript? The papers you designated on your *Notice Designating Record on Appeal* are arranged chronologically—that is, in the order in which they were filed in the superior court, beginning with the first papers filed in the case and ending with the last papers filed in the case. After the papers are arranged in order, they are numbered in sequence. The clerk prepares two indexes and inserts them at the beginning of the transcript. One index lists the papers in the order they were filed, and the second index lists the papers in alphabetical order. Each index includes the page numbers and, if there is more than one volume, the volume number where the papers can be found in the transcript. A cover is prepared, and everything is then bound in book form.

Who puts together the clerk’s transcript? The clerk of the superior court creates the clerk’s transcript. The documents to be included, as specified in CRC rule 5, must be listed (designated) on the *Notice Designating Record on Appeal* form (page 3-22). The cost to the appellant depends on the number of pages and the number of volumes.

What if you want to prepare an appellant’s (5.1) appendix? If the appellant does not want the superior court clerk to prepare the clerk’s transcript, he or she gives notice to the superior court that he or she wants to prepare an appellant’s appendix, or 5.1 appendix. Instructions for preparing the appendix are set out in CRC rule 5.1.

How do you let others know which kind of record you have selected? Prepare a *Notice Designating Record on Appeal* (pages 3-19 through 3-23). There are four choices for record preparation: (1) appendix and reporter’s transcript, (2) appendix only (no reporter’s transcript), (3) clerk’s and reporter’s transcripts, and (4) clerk’s transcript only (no reporter’s transcript). Check the appropriate box on the form. If you choose to have the superior court prepare a clerk’s transcript, fill out page 2 of

the *Notice Designating Record on Appeal*. This page is where you list the documents from the superior court file that you want included in the clerk's transcript, as described in a later section. If you choose to have a reporter's transcript prepared, fill out page 3 of the *Notice Designating Record on Appeal* as noted earlier. The original *Notice Designating Record on Appeal* is filed in the **appeals section** of the superior court. It must be accompanied by a *Proof of Service* (see pages 3-24 through 3-26) showing that all counsel and self-represented parties were served. If a reporter's transcript has been requested, the court reporter needs to be served.

How soon does the notice need to be served and filed? The *Notice Designating Record on Appeal* with *Proof of Service* must be served on all counsel, self-represented parties, and reporters if a reporter's transcript has been requested. It is filed with the **appeals section** of the superior court within 10 days of the filing of the *Notice of Appeal*.

What if the respondent also wishes to designate the record? Within 10 days after the appellant has filed his or her notice designating the clerk's transcript, the respondent may serve and file a notice in superior court designating any additional documents the respondent wants included in the transcript. (CRC rule 5(a).)

Option 6a: Having the superior court prepare the clerk's transcript

How much does it cost? If the superior court is preparing the clerk's transcript, the cost depends on how many pages there are. The superior court charges a copying fee based on the number of pages designated, and a volume fee based on the number of volumes in the clerk's transcript. Unless the court waives appellant's filing fees (\$655 for the appeal and a \$100 deposit for the clerk's transcript), the appellant made a \$100 deposit toward the cost of the clerk's transcript at the time he or she filed the *Notice of Appeal*. The deposit is used first. If the total cost ends up being more than \$100, the superior court gives all parties a written estimate. The appellant and any party wishing to have its own copy of the clerk's transcript must pay the cost within 10 days. A person who is unable to pay for the clerk's transcript can file with the superior court an application for a waiver of the clerk's transcript fees. (CRC rule 5(c).)

The appellant pays the entire cost of the clerk's transcript.

What happens if fees are not paid? If fees are not paid, the superior court sends a notice (called a *Notice of Default*) telling the appellant to pay within 15 days or the appeal may be dismissed. (CRC rule 8(a).) If the fees are not paid within 15 days, the superior court sends a *Notice of Failure to Clear Default* to all parties and to the Court of Appeal. The Court of Appeal then dismisses the appeal.

How does one designate the clerk's transcript? To designate the clerk's transcript, prepare a *Notice Designating Record on Appeal*. The designation must include a list of the documents the superior court clerk is to copy for the clerk's

transcript (page 3-22). This list should include the exact title of each document and the date it was filed or lodged with the superior court. If the date on which the document was filed is unknown, use the date the document was signed. The appellant does not have to individually designate each jury instruction or minute order. You can list “all” jury instructions and “all” minutes.

All exhibits, whether admitted into evidence or refused, are considered part of the clerk’s transcript. If some or all of the exhibits are needed in the appeal, the ones to be used are designated, and most often transmitted to the court under CRC rule 18, after the respondent’s brief is filed. However, if a party wants one or more of the exhibits copied and put in the clerk’s transcript to be available while the briefs are being written, the exhibits to be included must be noted by number or letter in the *Notice Designating Record on Appeal*.

Within 10 days after service of appellant’s designation, the respondent may provide a list of additional items to be included in the clerk’s transcript. (CRC rule 5(a).) This list must also be specific as to the title of each document and the date it was filed. After the respondent’s designation is filed, or the time to file has passed, the superior court appeals clerk locates the documents listed by both the appellant and the respondent and determines the cost of preparing the clerk’s transcript. The superior court appeals clerk then notifies the appellant of the estimated cost of the clerk’s transcript and, upon payment, begins to prepare it. The appellant pays the entire cost even when the respondent has designated items to be included. Whether designated or not, the clerk’s transcript includes:

- The Notice of Appeal;
- The judgment or order being appealed and any notice of entry;
- Any notice of intention to move for new trial, to vacate the judgment, for judgment notwithstanding the verdict, or for motion for reconsideration; and
- Any notices or stipulations to prepare the clerk’s or reporter’s transcripts or to proceed by agreed or settled statement (CRC rule 5(b)).

How does the respondent get the record? The respondent does not automatically get a copy of the record. If he or she wants a copy of the clerk’s and/or reporter’s transcript, the request must be made promptly. The superior court appeals clerk will provide the respondent with an estimate of the cost to prepare the clerk’s transcript. (CRC rule 5(c).) The respondent has 10 days to pay. If the respondent wants a copy of the reporter’s transcript, he or she should contact the reporter personally to arrange payment.

If the respondent does not wish to have to pay for his or her own copy, he or she may borrow the appellant’s copy after notifying the appellant no more than 20 days after the record is filed in the Court of Appeal. The record is lent to the respondent

when the appellant's opening brief is served, and returned to appellant when the respondent's brief is served. (CRC rule 11.)

When is the record sent to the Court of Appeal? Within 30 days after the appellant deposits money for costs or the court files an order waiving costs, the clerk's transcript should be ready. The superior court clerk should then send a copy of the transcript to the Court of Appeal and the appellant; in practice, the clerk sends a copy to the court and notifies the parties that the clerk's transcripts and the reporter's transcripts (if requested) are complete. The notice tells the appellant and any other party who paid for a copy of the record to pick up their transcripts. (CRC rules 5(d), 11(a), (b).)

Option 6b: Preparing an appellant's appendix

If any party elects to prepare an appendix instead of asking the superior court to prepare a clerk's transcript, the appeal proceeds by "appendix." If the other party wants a clerk's transcript, that party must file a motion in superior court contesting the choice of an appendix. The motion must be filed within 10 days after the *Notice Designating Record on Appeal* is served and filed. (CRC rule 5.1(a).)

How much does it cost? If the appellant is preparing his or her own appendix (CRC rule 5.1), there will be copying and binding costs.

How does one designate an appellant's appendix? Within 10 days of filing the *Notice of Appeal*, the appellant must file his or her intention to proceed under "rule 5.1," along with a *Proof of Service* on each of the other parties. The appellant gives notice of his or her intention by checking a box on the first page of the *Notice Designating the Record on Appeal* form (page 3-21).

What is included in a "5.1 appendix"? The appendix should include the following items:

- A chronological index of all of the items in the appendix (page 3-28).
- An alphabetical index of all of the items in the appendix (page 3-29).
- All documents necessary for the consideration of issues in the appeal.
- The judgment or order being appealed and any notice of its entry, any notice of intention to move for a new trial; any motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration and the rulings thereon; and any order on such motion and any notice of its entry.
- The *Notice of Appeal*; the notice to prepare the clerk's and reporter's transcripts, or the settled statement, or *Notice Designating Record on Appeal* form; any notice of election to proceed by an appendix under CRC rule 5.1 and, for a joint appendix, the stipulation designating its contents; any stipulation to proceed by agreed statement under CRC rule 6, along with the

agreed statement; and any settled statement approved by the court under CRC rule 7.

All exhibits admitted in evidence or rejected are considered as part of the appendix even if they are not physically included in the bound volumes. (CRC rule 5.1(b).) They can later be lodged with the Court of Appeal by transmitting them under CRC rule 18.

How does one put together an appendix?

1. Make copies of the documents that are related to the appeal. Photocopy on one side only, on recycled paper.
2. Arrange the documents in the order in which they were filed in the superior court (chronologically), and number the pages one after the other, beginning with page 1.
3. Make a chronological index of all documents by listing them in the order filed, with the first page number for each document and, if there is more than one volume, the volume number. (See page 3-28.)
4. Make an alphabetical index of all the documents by listing them in alphabetical order, with the first page number of each document and, if there is more than one volume, the volume number. (See page 3-29.)
5. Prepare a cream-colored cover (see page 3-27). The cover should state the case title and superior court case number, the Court of Appeal number, the name of each of the participating Superior court judges, the names and addresses of appellate counsel for each party or any self-represented party, the volume number, and the inclusive page numbers (for example, 1-246) of that volume. It should be titled *Appellant's Appendix* (if prepared by the appellant), or *Joint Appendix* (if prepared jointly by appellant and respondent), *Respondent's Appendix* (if prepared by respondent), or *Appellant's Reply Appendix*. (CRC rule 5.1(c), 9(a), (b), (c).)
6. Put the materials together: cover, chronological index, alphabetical index, and documents in chronological order. There is a 300-page limit for each volume of a clerk's transcript.
7. Make the necessary number of copies (one for each party, one for the court, and one for yourself), and bind the original and each of the copies into transcript (book) form. The appendix should be bound on the left side, in volumes of 300 pages or less. The appendix may not be bound with the brief.

When does the appendix need to be ready? A **joint appendix** is prepared jointly by the parties, *or* the appellant and respondent may each prepare his or her own appendix. A joint appendix or an appellant's appendix must be served on the respondents and filed with the court at the same time as the appellant's opening brief. A respondent's appendix, if any, must be served on the appellants and filed

with the court at the same time as the respondent's brief. An appellant's reply appendix, if any, must be served on the respondent and filed with the court at the same time as the appellant's reply brief. In filing an appendix you are certifying that the papers included are true and that correct copies of documents filed or lodged with the superior court. (CRC rule 5.1(d), (f).)

Option 6c: Using the superior court file

When can the superior court file be used in place of a clerk's transcript? If the reviewing court permits it (you can call the clerk's office at the Court of Appeal and ask), the parties may agree (stipulate) to use the superior court file instead of the usual clerk's transcript by filing, the stipulation (see footnote 1 in this chapter) in the **appeals section** of the superior court within 10 days of filing the *Notice of Appeal*. The Court of Appeal in San Diego permits the use of the superior court file. The appellant and respondent must both sign the stipulation to use the superior court case file. (CRC rule 5.2(a).)

Within 10 days of filing the stipulation, the superior court will notify you of how much it will cost to put the file in chronological order, number the pages, and prepare a chronological index. You must pay within 10 days of receiving the estimate.

If the parties stipulate to use the superior court file instead of the clerk's transcript, the superior court file is sent to the Court of Appeal. The appellant and respondent will receive only an index of the documents in the file. (CRC rule 5.2(a), (b).)

Record problems

What happens if you do not pay costs on time? If you have not made the required payments, the superior court will notify you by sending you a notice of default.

What is a notice of default? A notice of default says that someone did not do what the CRC said to do. Generally something was not done on time or was done incorrectly. The notice gives the responsible person a certain number of days from the date of the notice to do what needs to be done. Notices may be sent by the superior court or the Court of Appeal, depending on what the problem is. Examples of defaults in the superior court having to do with record preparation are: failing to file a *Notice Designating Record on Appeal*, failing to pay the costs of the clerk's and/or reporter's transcript, and failing to correct the designation after notice was sent to the party by the superior court. (CRC rule 8.)

What if the default is not corrected? A party has 15 days from the date of the notice to resolve the problem. If the things to be fixed are still unresolved after the 15 days, the superior court sends a *Notice of Failure to Clear Default* to all parties and to the Court of Appeal. If the appellant is the party who has not complied with the rules, the appeal may be dismissed by the Court of Appeal; if the respondent is

the party that has not complied on time, the appeal may go forward on the appellant's record alone. (CRC rule 8(b).)

What if something is missing from the record? In working with the record, a party may discover things that are missing or things that were overlooked in the designation or in the preparation of the clerk's or reporter's transcript. If the clerk or reporter omitted a required or requested item, serve on the parties and file in the superior court a *Notice of Correction* requesting that the omitted matter be prepared and sent to the Court of Appeal and all parties which received a copy. (CRC rule 12(b).) If the item was not listed in the designation of record, a motion to augment will be needed. (See the section on motions in Chapter 6.)

Filings in the Court of Appeal and the superior court can be made in person or by mail. The addresses can be found at page 3-30.

**After the record is filed in the Court of Appeal,
everything filed with the Court of Appeal must be
accompanied by a *Proof of Service*.**

APPLICATION FOR WAIVER OF COURT FEES AND COSTS - INSTRUCTIONS

When you file your notice of appeal, there is a filing fee of \$655.00 which is due at the time of filing. A deposit of \$100.00 needs to be paid to the Superior Court if you want it to prepare a clerk's transcript for you. If you feel you cannot afford these fees, you may fill out an Application for Waiver of Court Fees and Costs. Generally, you would file the application in the Superior Court when you file your notice of appeal. If you did not file the application in Superior Court you may file it in the Court of Appeal.

Filling out the Application for Waiver of Court Fees and Costs form:

- (1) Your name, mailing address, city, state, zip code and telephone number where you can be reached during the day.
- (2) The name of the court in which you are filing the application. Addresses for the downtown, North County and Imperial County Superior Courts and the Court of Appeal are found on page 3-30.
- (3) The plaintiff's name as it appears on your Superior Court caption.
- (4) The defendant's name as it appears on your Superior Court caption.
- (5) The Superior Court number from your Superior Court case. If you happen to have a Court of Appeal number, also put it here.
- (6) If you can't pay any of the court fees or costs, check box "a". If you can pay part of the court fees or costs, check box "b" and then write down what you can pay.
- (7) Your street address, city, state, zip code and telephone number where you can be reached during the day.
- (8) Write your occupation, employer and employer's address. If you do not have a job, write "unemployed". If you have a spouse and your spouse has a job, write your spouse's occupation, employer and employer's address. If your spouse does not have a job, write "unemployed".
- (9) If you are receiving financial assistance check box 4, then check the box or boxes next to the type of assistance you are receiving.
- (10) If you checked box 4 you have to fill out one of three boxes. Check only one box. If you check box "a" you must write your Medi-Cal number. If you check box "b" you must write your Social Security number and your birth date. If you check box "c" you need to attach verification documents which are listed on the Information Sheet on Waiver of Court Fees and Costs. After you have checked one of these boxes, you are done. Go to the bottom of the form and date and sign it, you do not need to fill out anything else.

(11) Check this box if your gross monthly income is less than the amount shown on the Information Sheet on Waiver of Court Fees and Costs. If you check this box, fill out page 3-15 and date and sign the bottom of page 3-14.

(12) Check this box if your income is not enough to pay for the common necessities of life for yourself and your family and still pay court fees and costs. If you check this box, you have to complete the entire back side of the form, then date and sign the bottom.

(13) Current date.

(14) Type or print your name.

(15) Your signature.

**INFORMATION SHEET ON WAIVER
OF COURT FEES AND COSTS
(California Rules of Court, rule 985)**

If you have been sued or if you wish to sue someone, and if you cannot afford to pay court fees and costs, you may not have to pay them if:

1. You are receiving financial assistance under one or more of the following programs:

- SSI and SSP (Supplemental Security Income and State Supplemental Payments Programs)
- CalWORKs (California Work Opportunity and Responsibility to Kids Act, implementing TANF, Temporary Assistance for Needy Families, formerly AFDC, Aid to Families with Dependent Children Program)
- The Food Stamp Program
- County Relief, General Relief (G.R.), or General Assistance (G.A.)

If you are claiming eligibility for a waiver of court fees and costs because you receive financial assistance under one or more of these programs, and you did not provide your Medi-Cal number or your social security number and birthdate, you must produce documentation confirming benefits from a public assistance agency or one of the following documents, unless you are a defendant in an unlawful detainer action:

PROGRAM	VERIFICATION
SSI/SSP	Medi-Cal Card or Notice of Planned Action or SSI Computer-Generated Printout or Bank Statement Showing SSI Deposit or "Passport to Services"
CalWORKs/TANF (formerly known as AFDC)	Medi-Cal Card or Notice of Action or Income and Eligibility Verification Form or Monthly Reporting Form or Electronic Benefit Transfer Card or "Passport to Services"
Food Stamp Program	Notice of Action or Food Stamp ID Card or "Passport to Services"
General Relief/General Assistance	Notice of Action or Copy of Check Stub or County Voucher

— OR —

2. Your total gross monthly household income is equal to or less than the following amounts:

NUMBER IN FAMILY	FAMILY INCOME
1	\$ 935.42
2	1,262.50
3	1,589.58
4	1,916.67
5	2,243.75

NUMBER IN FAMILY	FAMILY INCOME
6	\$ 2,570.83
7	2,897.92
8	3,225.00
Each additional	327.08

— OR —

3. Your income is not enough to pay for the common necessities of life for yourself and the people you support and also pay court fees and costs.

To apply, fill out the Application for Waiver of Court Fees and Costs (Form 982(a)(17)) available from the clerk's office. If you claim no income, you may be required to file a declaration under penalty of perjury. Prison and jail inmates may be required to pay up to the full amount of the filing fee.

If you have any questions and cannot afford an attorney, you may wish to consult the legal aid office, legal services office, or lawyer referral service in your county (listed in the Yellow Pages under "Attorneys").

If you are asking for review of the decision of an administrative body under Code of Civil Procedure section 1094.5 (administrative mandate), you may ask for a transcript of the administrative proceedings at the expense of the administrative body.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): (1) TELEPHONE NO: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (name): _____ <hr/> NAME OF COURT: (2) STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: <hr/> PLAINTIFF/ PETITIONER: (3) DEFENDANT/ RESPONDENT: (4)	FOR COURT USE ONLY <hr/> CASE NUMBER: (5)
APPLICATION FOR WAIVER OF COURT FEES AND COSTS	

I request a court order so that I do not have to pay court fees and costs.

- (6) 1. a. ☐ I am not able to pay any of the court fees and costs.
 b. ☐ I am able to pay **only** the following court fees and costs (specify): _____
- (7) 2. My current street or mailing address is (if applicable, include city or town, apartment no., if any, and zip code): _____
- (8) 3. a. My occupation, employer, and employer's address are (specify): _____
 b. My spouse's occupation, employer, and employer's address are (specify): _____
- (9) 4. ☐ I am receiving financial assistance under one or more of the following programs:
 a. ☐ SSI and SSP: Supplemental Security Income and State Supplemental Payments Programs
 b. ☐ CalWORKs: California Work Opportunity and Responsibility to Kids Act, implementing TANF, Temporary Assistance for Needy Families (formerly AFDC)
 c. ☐ Food Stamps: The Food Stamp Program
 d. ☐ County Relief, General Relief (G.R.), or General Assistance (G.A.)
- (10) 5. If you checked box 4, you must check and complete one of the three boxes below, unless you are a defendant in an unlawful detainer action. Do not check more than one box.
 a. ☐ (Optional) My Medi-Cal number is (specify): _____
 b. ☐ (Optional) My social security number is (specify): _____
 ____ - ____ - _____ and my date of birth is (specify): _____
 [Federal law does not require that you give your social security number. However, if you don't give your social security number, you must check box c and attach documents to verify the benefits checked in Item 4.]
 c. ☐ I am attaching documents to verify receipt of the benefits checked in Item 4, if requested by the court.
 [See Form 982(a)(17)(A) Information Sheet on Waiver of Court Fees and Costs, available from the clerk's office, for a list of acceptable documents.]
- [If you checked box 4 above, skip items 6 and 7, and sign at the bottom of this side.]
- (11) 6. ☐ My total gross monthly household income is less than the amount shown on the information sheet on Waiver of Court Fees and Costs available from the clerk's office.
 [If you checked box 6 above, skip item 7, complete items 8, 9a, 9d, 9f, and 9g on the back of this form, and sign at the bottom of this side.]
- (12) 7. ☐ My income is not enough to pay for the common necessities of life for me and the people in my family whom I support and also pay court fees and costs. [If you check this box, you must complete the back of this form.]

WARNING: You must immediately tell the court if you become able to pay court fees or costs during this action. You may be ordered to appear in court and answer questions about your ability to pay court fees or costs.

I declare under penalty of perjury under the laws of the State of California that the information on both sides of this form and all attachments are true and correct.

(13) Date: _____ (14) _____ (15)

(TYPE OR PRINT NAME) (Financial information on reverse) (SIGNATURE)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
--	--------------

FINANCIAL INFORMATION

8. ☐ My pay changes considerably from month to month. *[If you check this box, each of the amounts reported in item 9 should be your average for the past 12 months.]*

9. **MY MONTHLY INCOME**

a. My gross monthly pay is: \$ _____

b. My payroll deductions are (specify purpose and amount):

(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____
(4) _____	\$ _____

My TOTAL payroll deduction amount is: \$ _____

c. My monthly take-home pay is (a, minus b.): \$ _____

d. Other money I get each month is (specify source and amount; include spousal support, child support, parental support, support from outside the home, scholarships, retirement or pensions, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest or royalty, trust income, annuities, net business income, net rental income, reimbursement of job-related expenses, and net gambling or lottery winnings):

(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____
(4) _____	\$ _____

The TOTAL amount of other money is: \$ _____
(If more space is needed, attach page labeled Attachment 9d.)

e. **MY TOTAL MONTHLY INCOME IS** (c, plus d.): \$ _____

f. Number of persons living in my home: _____
Below list all the persons living in your home, including your spouse, who depend in whole or in part on you for support, or on whom you depend in whole or in part for support:

Name	Age	Relationship	Gross Monthly Income
(1) _____	_____	_____	\$ _____
(2) _____	_____	_____	\$ _____
(3) _____	_____	_____	\$ _____
(4) _____	_____	_____	\$ _____
(5) _____	_____	_____	\$ _____

The TOTAL amount of other money is: \$ _____
(If more space is needed, attach page labeled Attachment 9f.)

g. **MY TOTAL GROSS MONTHLY HOUSEHOLD INCOME IS** (a, plus d, plus f.): \$ _____

10. I own or have an interest in the following property:

a. Cash \$ _____

b. Checking, savings, and credit union accounts (list banks):

(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____
(4) _____	\$ _____

10. c. Cars, other vehicles, and boats (list make, year, fair market value (FMV), and loan balance of each):

Property	FMV	Loan Balance
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

d. Real estate (list address, estimated fair market value (FMV), and loan balance of each property):

Property	FMV	Loan Balance
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

e. Other personal property — jewelry, furniture, furs, stocks, bonds, etc. (list separately): \$ _____

11. My monthly expenses not already listed in item 9b above are the following:

a. Rent or house payment & maintenance \$ _____

b. Food and household supplies \$ _____

c. Utilities and telephone \$ _____

d. Clothing \$ _____

e. Laundry and cleaning \$ _____

f. Medical and dental payments \$ _____

g. Insurance (life, health, accident, etc.) \$ _____

h. School, child care \$ _____

i. Child, spousal support (prior marriage) \$ _____

j. Transportation and auto expenses (insurance, gas, repair) \$ _____

k. Installment payments (specify purpose and amount):

(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____

The TOTAL amount of monthly installment payments is: \$ _____

l. Amounts deducted due to wage assignments and earnings withholding orders: \$ _____

m. Other expenses (specify):

(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____
(4) _____	\$ _____
(5) _____	\$ _____

The TOTAL amount of other monthly expenses is: \$ _____

n. **MY TOTAL MONTHLY EXPENSES ARE** (add a. through m.): \$ _____

12. Other facts that support this application are (describe unusual medical needs, expenses for recent family emergencies, or other unusual circumstances or expenses to help the court understand your budget; if more space is needed, attach page labeled Attachment 12):

WARNING: You must immediately tell the court if you become able to pay court fees or costs during this action. You may be ordered to appear in court and answer questions about your ability to pay court fees or costs.

9823(17) (Rev. January 1, 2005)

APPLICATION FOR WAIVER OF COURT FEES AND COSTS
(In Forms Pauperis)

Page two

ORDER ON APPLICATION FOR WAIVER OF COURT FEES AND COSTS - INSTRUCTIONS

This form is the order from the court either granting or denying your request to waive fees. The court fills out most of this form. The only part you will fill out are the nine items listed below. **[Note: The Court of Appeal can only waive the Court of Appeal filing fee of \$655.00.]**

Filling out the Order on Application for Waiver of Court Fees and Costs form:

- (1) Your name, street address, city, state, zip code and telephone number where you can be reached during the day.
- (2) Name of court where you are applying for waiver.
- (3) The plaintiff's name as it appears on your Superior Court caption.
- (4) The defendant's name as it appears on your Superior Court caption.
- (5) The Superior Court number from your Superior Court case. If you happen to have a Court of Appeal number, also put it here.
- (6) Date Application for Waiver of Court Fees and Costs was filed with the court.
- (7) Check this box and indicate whether a previous order regarding a fee waiver was issued. If yes, indicate the date it was sent.
- (8) Name of person applying for waiver.
- (9) Check box 3. If you are asking that the reporter's transcript fees be waived, check box (9) "Other" and write in "Reporter's transcript fees". [Please note: Number (7) "Reporter's Fees (valid for 60 days)" covers only that portion of the fees for taking the notes in the courtroom. This will not get you a waiver of the reporter's transcript fees.]

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): (1)		FOR COURT USE ONLY
TELEPHONE NO.:	FAX NO.:	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		CASE NUMBER: (5)
STREET ADDRESS: (2)		
MAILING ADDRESS:		
CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: (3)		
DEFENDANT/RESPONDENT: (4)		

- ORDER ON APPLICATION FOR WAIVER OF COURT FEES AND COSTS** (5)
- (6) 1. The application was filed on (date): (7) ☐ A previous order was issued on (date):
- (8) 2. The application was filed by (name):
- (9) 3. ☐ IT IS ORDERED that the application is **granted** ☐ in whole ☐ in part (complete item 4 below).
- a. ☐ **No payments.** Payment of all the fees and costs listed in California Rules of Court, rule 985(i), **is waived.**
- b. ☐ **The applicant shall pay** all the fees and costs listed in California Rules of Court, rule 985(i), EXCEPT the following:
- | | |
|---|--|
| (1) <input type="checkbox"/> Filing papers. | (6) <input type="checkbox"/> Sheriff and marshal fees. |
| (2) <input type="checkbox"/> Certification and copying. | (7) <input type="checkbox"/> Reporter's fees* (valid for 60 days). |
| (3) <input type="checkbox"/> Issuing process and certification. | (8) <input type="checkbox"/> Telephone appearance (Gov. Code, § 68070.1(c)). |
| (4) <input type="checkbox"/> Transmittal of papers. | (9) <input type="checkbox"/> Other (specify code section): |
| (5) <input type="checkbox"/> Court-appointed interpreter. | |
- * Reporter's fees are per diem pursuant to Code Civ. Proc., §§ 269, 274c, and Gov. Code, §§ 69947, 69948, and 72195.
- c. **Method of payment.** The applicant shall pay all the fees and costs when charged, EXCEPT as follows:
- (1) ☐ Pay (specify): _____ percent. (2) ☐ Pay: \$ _____ per month or more until the balance is paid.
- d. The clerk of the court, county financial officer, or appropriate county officer is authorized to require the applicant to appear before and be examined by the court no sooner than four months from the date of this order, and not more than once in any four-month period. ☐ The applicant is ordered to appear in this court as follows for review of his or her financial status:
- | | | | | |
|-------|-------|--------|-------|-------|
| Date: | Time: | Dept.: | Div.: | Room: |
|-------|-------|--------|-------|-------|
- e. ☐ The clerk is directed to mail a copy of this order only to the applicant's attorney or to the applicant if not represented.
- f. **All unpaid fees and costs shall be deemed to be taxable costs if the applicant is entitled to costs and shall be a lien on any judgment recovered by the applicant and shall be paid directly to the clerk by the judgment debtor upon such recovery.**
4. ☐ IT IS ORDERED that the application is **denied** ☐ in whole ☐ in part for the following reasons (see Cal. Rules of Court, rule 985 j):
- a. ☐ Monthly household income exceeds guidelines (Gov. Code, § 68511.3(a)(6)(B); form 982(a)(17)(A)).
- b. ☐ Other (Complete line 4b on page 2).
- c. The applicant shall pay any fees and costs due in this action within 10 days from the date of service of this order or any paper filed by the applicant with the clerk will be of no effect.
- d. The clerk is directed to mail a copy of this order to all parties who have appeared in this action.
5. ☐ IT IS ORDERED that a **hearing** be held.
- a. The substantial evidentiary conflict to be resolved by the hearing is (specify):
- b. The applicant should appear in this court at the following hearing to help resolve the conflict:
- | | | | | |
|-------|-------|--------|-------|-------|
| Date: | Time: | Dept.: | Div.: | Room: |
|-------|-------|--------|-------|-------|
- c. The address of the court is (specify):
- ☐ Same as above
- d. The clerk is directed to mail a copy of this order only to the applicant's attorney or to the applicant if not represented.

NOTICE: If item 3d or item 5b is filled in and the applicant does not attend the hearing, the court may revoke or change the order or deny the application without considering information the applicant wants the court to consider.

WARNING: The applicant must immediately tell the court if he or she becomes able to pay court fees or costs during this action. The applicant may be ordered to appear in court and answer questions about his or her ability to pay fees or costs.

Date:

☐ _____, JUDICIAL OFFICER ☐ Clerk, by _____, Deputy

Form Adopted for Mandatory Use
Judicial Council of California
982(a)(18) (Rev. January 1, 2003)

**ORDER ON APPLICATION FOR WAIVER OF
COURT FEES AND COSTS (In Forma Pauperis)**

(Check only "GRANT" in full a nondiscriminatory fee waiver: see Cal. Rules of Court, rule 985(i)(2)) Page 1 of 2

Government Code, § 68511.3;
Cal. Rules of Court, rule 982

PLAINTIFF/PETITIONER (Name):	CASE NUMBER:
DEFENDANT/RESPONDENT (Name):	

☐ Application is denied in whole or in part (specify reasons):

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the foregoing was mailed first class, postage prepaid, in a sealed envelope addressed as shown below, and that the mailing of the foregoing and execution of this certificate occurred at _____, California, on (date): _____

Clerk, by _____, Deputy



CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: _____ Clerk, by _____, Deputy

NOTICE DESIGNATING RECORD ON APPEAL - INSTRUCTIONS

After filing your notice of appeal you have 10 days to tell the Superior Court what you want in the record that will be sent to the Court of Appeal; this is called the Notice Designating Record on Appeal. On the next few pages is a form to assist you in designating the record. What you choose to include in your record depends on the issues you wish to raise on appeal. This notice is filed in the Superior Court.

Filling out the Notice Designating Record on Appeal:

Page One (Notice Designating Record on Appeal):

- (1) Your name, mailing address, city, state, zip code and telephone number where you can be reached during the day.
- (2) Check the address of the Superior Court you are filing the designation in.
- (3) The plaintiff's name as it appears on your Superior Court caption.
- (4) The defendant's name as it appears on your Superior Court caption.
- (5) The Superior Court number from your Superior Court case.
- (6) Write the date you filed the notice of appeal.
- (7) The Court of Appeal number which starts with "D0". (If you don't know the Court of Appeal number or one has not yet been assigned, leave this space blank.)
- (8) Your Name. Also, check the box that applies to you. If you are the appellant, check "appellant", if you are responding to someone else's appeal, check "respondent".
- (9) Check only one box.

Check box "1" if you plan to prepare your own transcript (appendix) under California Rules of Court, rule 5.1 instead of having the Superior Court prepare a clerk's transcript and you also want a reporter's transcript. If you check this box be sure to fill out the reporter's transcript section on page three; you do not have to fill out page two.

Check box "2" if you plan to prepare your own transcript (appendix) under California Rules of Court, rule 5.1 instead of having the Superior Court prepare a clerk's transcript and you don't want a reporter's transcript. If you check this box, there is no need to fill out pages two or three. Date and sign the bottom of this form and you are done.

Check box "3" if you want the Superior Court to prepare both the clerk's transcript and the reporter's transcript. If you check this box be sure to fill out the clerk's transcript section on page two and the reporter's transcript section on page three.

Check box "4" if you want the Superior Court to prepare a clerk's transcript but you don't want a reporter's transcript. If you check this box be sure to fill out the clerk's transcript section on page two; you do not have to fill out page three.

(10) Current date.

(11) Type your name or print it legibly.

(12) Your signature.

Page Two (Notice Designating Clerk's Transcript):

Fill out this page only if you checked box "3" or "4" on page one; if you checked box "1" or "2" you do not need to fill out this page. The first six documents are filled in for you. You may designate anything that was in the Superior Court file as part of your record on appeal, choosing as few or as many documents as you wish. What you choose to include in your record depends on the issues you wish to raise on appeal. You will need to make a \$100.00 deposit with the Superior Court if you select this option.

Page Three (Notice Designating Reporter's Transcript):

Fill out this page only if you checked box "1" or "3" on page one; if you checked box "2" or "4" you do not need to fill out this page. A reporter's transcript is a word for word typewritten record of everything that was said in court during a trial or hearing. For each day you want transcribed, write the reporter's name, the department of the Superior Court you were in, the date and the nature of the proceeding. The reporter's transcript costs money. You can ask the reporter to give you an estimate of what it will cost in advance or you can pay \$650 per day for days where there were more than three hours to be transcribed or \$350 per day where there were less than three hours to be transcribed.

Due:	10 days after filing Notice of Appeal
File:	Original with Superior Court Bring an extra copy to be file-stamped for your file.
Serve:	Court Reporter (if reporter's transcript requested) All counsel All self-represented parties

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) (1) TELEPHONE NO. (Optional) FAX NO. (Optional) E-MAIL ADDRESS (Optional) ATTORNEY FOR (Name)	FOR COURT USE ONLY
(2) SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6643	
PETITIONER/PLAINTIFF: (3)	
RESPONDENT/DEFENDANT: (4)	
NOTICE DESIGNATING RECORD ON APPEAL	CASE NUMBER (5)
(6) RE: Appeal filed on (date):	COURT OF APPEAL NUMBER (7)

TO: Clerk of the Superior Court, County of San Diego

(8) (Name):

☐ Appellant ☐ Respondent

Check only one:

- (9) 1. ☐ (Appendix and Reporter's Transcript)
 a. elects under rule 5.1 of the California Rules of Court to prepare own transcript in lieu of a court-prepared clerk's transcript.
 -AND-
 b. requests a reporter's transcript as designated on page three. (Fill out the reporter's transcript section on page three.)
2. ☐ (Appendix Only, No Reporter's Transcript)
 a. elects under rule 5.1 of the California Rules of Court to prepare own transcript in lieu of a court-prepared clerk's transcript.
 (Date and sign only.)
 -AND-
 b. elects to have no reporter's transcript.
3. ☐ (Clerk's and Reporter's Transcripts) elects under rules 4 and 5 of the California Rules of Court to proceed with a clerk's transcript as designated on page two AND a reporter's transcript as designated on page three. (Fill out the clerk's transcript section on page two and the reporter's transcript section on page three.)
4. ☐ (Clerk's Transcript Only, No Reporter's Transcript)
 a. elects under rule 5 of the California Rules of Court to proceed with a clerk's transcript only as designated on page two. (Fill out the clerk's transcript section on page two.)
 b. elects to have no reporter's transcript.

(10) Date: _____

(11) _____
 (TYPE OR PRINT NAME)

(12) _____
 (SIGNATURE)

	CASE NUMBER:
--	--------------

NOTICE DESIGNATING CLERK'S TRANSCRIPT
(Cal. Rules of Court, rule 5)

It is requested that the following documents in the superior court file be included in the clerk's transcript (give the specific title of the document, and accurate description, and the date of filing):

(NOTE: Items 1-6 are required to be a part of the clerk's transcript and will automatically be included.)

1. Notice of Appeal
2. Notice Designating Record on Appeal (this document)
3. Judgment or order appealed from
4. Notice of Entry of Judgment (if any)
5. Notice of Intention to Move for New Trial or Vacate Judgment (if any)
6. Ruling on item 5
- 7.

8.

9.

10.

11.

12.

13.

14.

15.

16.

17.

18.

19.

20.

☐

See additional pages.

	CASE NUMBER:
--	--------------

NOTICE DESIGNATING REPORTER'S TRANSCRIPT
(Cal. Rules of Court, rule 4(a)(1) & 4(a)(4))

	<u>Reporter's Name</u>	<u>Dept.</u>	<u>Date</u>	<u>Nature of proceedings</u>
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				

☐ See additional pages.

**PROOF OF SERVICE
INSTRUCTIONS FOR SUPERIOR COURT
OR COURT OF APPEAL**

Each document you prepare must be served on all counsel and self-represented parties in your case. The document may be served by mail or hand-delivery by someone who is over the age of 18 and not a party to the appeal. **If the document is a brief, you must serve one copy on the Superior Court and five copies on the California Supreme Court as well as all counsel and self-represented parties.**

How to serve a document:

Make a copy of your document for each party you wish to serve. You may use the attached Proof of Service form and type or write legibly the information requested. The original Proof of Service must be attached to the document you are filing with the court and a copy of the Proof of Service must be attached to each copy of the document you serve on the parties.

Filling out the Proof of Service form:

- (1) The case name in Superior Court or Court of Appeal.
- (2) The Superior Court case number or the Court of Appeal case number.
- (3) Check whether service is by mail or in person.
- (4) Do nothing here, just read to make sure you are over 18 years of age and not a party to the action.
- (5) The home or business address of the person serving the documents.
- (6) Insert the name of the document being served.
- (7) Fill out if the service is by mail. (If not by mail then fill out number (8) below.)
 - a. Check if serving by mail. If service is in person go to number (8).
 - (1)(a) Check if deposited in U.S. mail in sealed envelope with proper prepaid postage. OR
 - (1)(b) Check if placed in location following normal business practices with which you are familiar. On the same day it was deposited in U.S. mail in a sealed envelope with proper prepaid postage.
 - (2)(a) State the full names of all the parties or their attorneys to whom documents are mailed.

(2)(b) State the full address of all the parties or their attorneys to whom the documents were mailed.

(2)(c) Insert date of mailing.

(2)(d) Insert city and state where envelope was mailed.

(8) Fill out if the service is in person. (If not in person then fill out number (7) above.)

b. If service is personal, check here.

(1) Name of the person you gave the documents to.

(2) Address where the person was served.

(3) Date the documents were delivered.

(4) Time the documents were delivered.

(9) Today's date.

(10) Print or type the name of the person actually serving the documents.

(11) The signature of the person who actually served the documents that the foregoing is true and correct.

An original Proof of Service must be attached to every original document filed with the court. A copy of the Proof of Service must be attached to every document served on all counsel and self-represented parties.

CASE NAME: (1)	CASE NUMBER: (2)
-------------------	---------------------

NOTICE: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. YOU MAY NOT PERFORM THE MAILING OR DELIVERY YOURSELF. You must have a person who is at least 18 years old complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the form and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

(3) ☐ Mail ☐ Personal Service

(4) 1. At the time of service I was at least 18 years of age and not a party to this legal action.

(5) 2. My residence or business address is (specify):

3. I mailed or personally delivered a copy of the (6) as follows (complete either a or b):

(7) a. ☐ Mail. I am a resident of or employed in the county where the mailing occurred.

(1) I enclosed a copy in an envelope and

(a) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

(b) ☐ placed the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

(2) The envelope was addressed and mailed as follows:

(a) Name of person served:

(b) Address on envelope:

(c) Date of mailing:

(d) Place of mailing (city and state):

(8) b. ☐ Personal delivery. I personally delivered a copy as follows:

(1) Name of person served:

(2) Address where delivered:

(3) Date delivered:

(4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: (9)

(10)
(TYPE OR PRINT NAME)



(11)
(SIGNATURE OF DECLARANT)

PROOF OF SERVICE

**COVER FOR RULE 5.1 APPENDIX
(APPELLANT'S OR RESPONDENT'S)**

No. [Appellate number starting with "D"]

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION ONE**

[Name of Plaintiff from Superior Court case title
and that party's appellate designation],

Plaintiff and [Appellant or Respondent],

v.

[Name of Defendant from Superior Court case
title and that party's appellate designation],

Defendant and [Appellant or Respondent].

Court of Appeal

No. [Appellate number starting with
"D"]

(Superior Court No. [Number from
Superior Court case])

Appeal From a Judgment of
The Superior Court of California, County of [San Diego or Imperial]
The Honorable [Name of Superior Court judge], Judge

APPELLANT'S (or RESPONDENT'S) APPENDIX
IN LIEU OF CLERK'S TRANSCRIPT

Your Name
Your Address
Your Phone Number During the Day

Self-Represented

CHRONOLOGICAL INDEX FOR RULE 5.1 APPENDIX

Chronological Index

ENTRY	DATE	PAGE
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Opposition to Motion for Summary Judgment	4/28/01	35
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Motion for Summary Judgment	4/15/01	08
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Separate Statement of Undisputed Facts	4/15/01	20

COURTS & PUBLIC LAW LIBRARIES

COURTS

Superior Courts of San Diego and Imperial Counties

For filing all notices of appeal and requests for preparing the record accompanied by proofs of service use the San Diego County Superior Court except for cases in North County using the Vista Courthouse and cases arising out of Imperial County. The clerk of the Superior Court is located at:

Clerk, Appeals Section
San Diego County Superior Court
Central Division, P.O. Box 120128
220 West Broadway, Room 3005
San Diego, CA 92112-0128

The address for the North County Division is:

Clerk, Appeals Section
San Diego County Superior Court
North County Division
325 South Melrose Drive, Suite 1000
Vista, CA 92081-6643

The address for the Imperial County Superior Court is:

Imperial County Courthouse
Appellate Division
939 West Main Street
El Centro, CA 92243-2861

Telephone at Central is (619) 531-3144; in North County it is (760) 806-6170; in Imperial County it is (760) 482-4225.

California Court of Appeal

For filing motions and briefs in the Court of Appeal, the address is:

Clerk, Court of Appeal
Fourth District, Division One
750 "B" Street, Suite 300
San Diego, CA 92101

Main telephone is (619) 645-2760.

California Supreme Court

For filing copies of briefs and petitions for review in the California Supreme Court the address is:

California Supreme Court
Second Floor
300 South Spring Street
Los Angeles, CA 90013
(213) 830-7570

OR

California Supreme Court
350 McAllister Street
San Francisco, CA 94102
(415) 865-7000

PUBLIC LAW LIBRARIES

The San Diego County Public Law Library has the following locations.

1105 Front Street
San Diego, CA 92101
619-531-3900

Hours: Mon. 8AM-9PM
Tues-Thurs. 8AM-6PM
Fri. 8 AM-5PM
Sat. 10 AM - 5 PM
Sun. Closed

250 E. Main Street
El Cajon, CA 92020
(619) 441-4451

Hours: Mon.-Fri. 8 AM-5PM
Sat.-Sun. Closed

500 Third Avenue
Chula Vista, CA 91910
(619) 691-4929

Hours: Mon.-Fri. 9AM-4PM
Sat.-Sun. Closed

325 S. Melrose Drive
Suite 300
Vista, CA 92081
(760) 940-4386

Hours: Mon-Thurs. 8AM-6PM
Fri. 8 AM-5PM
Sat.-Sun. Closed

The Imperial County Public Law Library has the following location.

Imperial County Courthouse
939 West Main Street
El Centro, CA 92243
760-482-4374

Hours: Mon.-Fri. 8AM-Noon
Closed Noon-1PM
1 PM-5PM
Sat.-Sun. Closed